

a little background history on what we're talking about, in 1963 the Small Watershed Flood Control Fund was created. This was created to assist by using State money in the acquisition of lands, easements and right-of-way for local, political subdivisions involved the construction of price control projects. It was to be used to acquire said property in the name of those local subdivisions which could not put together enough money locally to acquire all of the needed property for certain portions of their projects. Now the State took no security at that time for the money provided but intended to obtain return of the money invested by sale of the land acquired as soon after the project was completed as possible or feasible. The Natural Resources Commission is administering this fund and has been since 1963. Through a gentleman's agreement has succeeded in investing and re-investing such land without difficulty and already has invested something over one and one-third million dollars. Now on January 22nd of this year, the Lancaster County District Court restrained the Commission from selling two parcels of such land which could have been returned to the fund, monies which could have returned to the fund among, approximately \$90,000.00. The court said that it believed that the law was deficient and failed to clearly provide the necessary authority to allow the Commission to sell these lands, until the local organization chose on their own to sell it. Such an opinion would defeat the purpose for which the fund was created and therefore, this amendment is called for to clarify the original intention and to give proper legal authority to the Commission. I move the adoption of the, or consent to adopt this amendment.

SPEAKER: Senator Kremer has asked unanimous consent for the adoption of that motion. Are there objections to that particular motion on 188 on select file. Are there any objections? Hearing none, it is so ordered. Amendment is adopted.

SENATOR STULL: Members of the Legislature, I move the adoption of amendment to L.B. 38. I move the advancement of L.B. 188 as amended.

SPEAKER: Motion is to advance L.B. 188 as amended. Is there need for discussion? All those in favor of advancing the bill, please say aye. Those opposed say no. 188 is advanced.

SENATOR STULL: I move the adoption of E&R amendments to L.B. 38.

SPEAKER: Motion is to adopt the amendments --yes,

CLERK: 152, Mr. President, is pending from yesterday. The select file amendments were adopted and the bill was held over pending an amendment from Senator Whitney. The amendment is now here. (read)

SPEAKER: Chair recognizes Senator Whitney.

SENATOR WHITNEY: Mr. Chairman, what this amendment does is to reinstate what was in the original bill from the fields where they are harvested to storage or market. This would be put back into the bill, page 2, line 21 and also, the same thing would be done on page 6, lines 23 and 24. Now, the reason for putting this back in the bill is that I talked this over with the Department of Roads and with the Governor and they feel that in order to properly administrate this law that this should be put back into the bill and I talked this over with the chairman of the standing committee and he is willing to go along with this so I ask unanimous consent to have this amendment put on the bill.